

**SENATE BILL 575
GREEN OAKS FAMILY ACADEMY ELEMENTARY SCHOOL
FIRE PROTECTION ACT**

**OFFICE OF THE STATE FIRE MARSHAL (SFM) &
DIVISION OF THE STATE ARCHITECT (DSA)**

QUESTION NUMBER 1:

What is the operative date of the “Green Oaks Family Academy Elementary School Fire Protection Act?”

ANSWER:

Education Code Section 17074.50 requires the following:

- ◆ *On or after July 1, 2002 all construction documents submitted to the Division of the State Architect for new public school construction projects shall include an automatic fire detection, alarm and sprinkler system.*
- ◆ *On or after July 1, 2002 all construction documents submitted to the Division of the State Architect for public school modernization construction projects shall include an automatic fire detection and alarm system.*

Education Code Section 17074.54 requires the following:

- ◆ *On or after July 1, 2002 a portable building that is sited with the intent that it be on site for less than three years and is placed on a temporary foundation is exempt from the requirements of sections 17074.50 and 17074.52. Additionally, the public school administration may request a three-year extension of the exemption for said portable building, which means that the portable building may be sited on the public school campus for a maximum of six years.*

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QUESTION NUMBER 2:

Are private and parochial schools subject to the requirements of the “Green Oaks Family Academy Elementary School Fire Protection Act?”

ANSWER: No

This new law is published in Section 2, Article 7.5 of Chapter 12.5 of the “Leroy F. Greene School Facilities Act of 1998” commencing with section 17070.10 of the Education Code.

The “Green Oaks Family Academy Elementary School Fire Protection Act” is an amendment to the existing Education Code commencing with section 17070.10.

The “Leroy F. Greene School Facilities Act of 1998” commencing with section 17070.10 of the Education Code strictly funds public school construction that house and or serve students from kindergarten through twelfth grade (K-12) and are submitted to the Division of the State Architect for approval.

QUESTION NUMBER 3:

How is a “**new public school campus**” defined pursuant to the Education Code section 17074.50(a)?

ANSWER:

Education Code section 17074.50(a) clearly indicates that on or after July 1, 2002, all new construction projects submitted to the Division of the State Architect shall include an automatic fire detection, alarm and sprinkler system.

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The SFM has proposed the following definition in both the California Building and Fire Codes to assist the code user in understanding the meaning and scope of the new law:

A “new public school campus” is an educational institution established on or after July 1, 2002 that houses and/or serves students from kindergarten through twelfth grade (K-12) and is funded pursuant to the Education Code, commencing with section 17070.10.

QUESTION NUMBER 4:

Are all new public school construction projects that house and or serve students from kindergarten through twelfth grade (K-12) and are funded pursuant to the “Leroy F. Greene School Facilities Act of 1998” commencing with section 17070.10 of the Education Code required to comply with the provisions of the “Green Oaks Family Academy Elementary School Fire Protection Act?”

ANSWER: [Yes](#)

The “Green Oaks Family Academy Elementary School Fire Protection Act” is an amendment to existing law found in section 2, Article 7.5 of Chapter 12.5, known as the “Leroy F. Greene School Facilities Act of 1998,” commencing with section 17070.10 of the Education Code. The existing law strictly funds public school construction projects that house and or serve students from kindergarten through twelfth grade (K-12).

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QUESTION NUMBER 5:

What type of system does the “Green Oaks Family Academy Elementary School Fire Protection Act” require to be installed in all new public school construction projects that are located on an entirely new campus?

ANSWER:

Education Code Section 17074.52 (b) clearly stipulates that all new construction projects shall have both an automatic fire detection and alarm system and a sprinkler system installed in the school building.

QUESTION NUMBER 6:

Are all public school modernization projects that house and or serve students from kindergarten through twelfth grade (K-12) required to comply with the provisions of the “Green Oaks Family Academy Elementary School Fire Protection Act?”

ANSWER: No

The “Green Oaks Family Academy Elementary School Fire Protection Act” identifies only modernization projects and or hardship applications of public schools are subject to this new Act, which are funded under the Leroy F. Greene School Facilities Act of 1998,” commencing with section 17070.10 of the Education Code and are submitted to the Department of General Services, Division of the State Architect for their approval and that have an estimated total cost in excess of \$200,000.00.

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QUESTION NUMBER 7:

Solely for the purposes of the “Green Oaks Family Academy Elementary School Fire Protection Act,” what does the term “modernization” mean?

ANSWER:

The “Green Oaks Family Academy Elementary School Fire Protection Act” defines modernization as any modification of a permanent structure or construction of a new building on an existing campus. This definition is not inconsistent with that of the “Leroy F. Greene School Facilities Act of 1998,” commencing with section 17070.10 of the Education Code.

Therefore, an existing campus is one that was built prior to July1, 2002.

QUESTION NUMBER 8:

What type of system does the “Green Oaks Family Academy Elementary School Fire Protection Act” require for a modernization project?

ANSWER:

Education Code section 17074.52 (a) clearly stipulates that a modernization project that exceeds a total estimated cost of \$200,000.00 shall have an automatic fire detection and alarm system installed in the school building. The system shall consist of smoke or heat detectors or a combination thereof. The alarm, upon activation of an initiating device, shall alert all occupants and shall transmit the alarm signal to an approved supervising station.

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Additionally, Education Code section 17074.50(b) allows a modernization project to be completed in more than one phase. The school district may defer the installation of the fire detection / alarm system until the final phase of the modernization project.

QUESTION NUMBER 9:

Would a “deferred maintenance” project that exceeds an estimate total cost of \$200,000.00 for an existing public school building that houses and or serves students from kindergarten through twelfth grade (K-12) be subject to the provisions of this Act?

ANSWER: No

The Deferred Maintenance program is not part of the “Leroy F. Greene School Facilities Act of 1998,” commencing with section 17070.10 of the Education Code; therefore deferred maintenance projects are not subject to this new Act. Education Code section 17582 addresses deferred maintenance projects and sets forth certain criteria that must be followed by districts expending funds to support maintenance projects. These funds are not provided for under the School Facilities Act of 1998.

Education Code Section 17070.75 requires the school district to make necessary repairs, renewals, and replacements to ensure that a project is at all times kept in good repair and working order. The deferred maintenance program is a state funded program through which a district may accomplish maintenance projects by matching state dollars with local funds. All costs incurred for this purpose shall be accounted for by the school district according to the strict guidelines of this specific program.

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QUESTION NUMBER 10:

What is the definition of deferred maintenance?

ANSWER:

The Education Code section 17582 identifies deferred maintenance as any major repair or replacement of plumbing, heating, air conditioning, electrical, roofing, and floor systems, the exterior and interior painting of school buildings, the inspection, sampling, and analysis of building materials to determine the presence of asbestos-containing materials and other items of maintenance approved by the State Allocation Board.

QUESTION NUMBER 11:

Are buildings that are sited on public school grounds and are not used to house and or serve students from kindergarten through twelfth grade (K-12) such as maintenance buildings and bus barns required to comply the provisions of this Act even if the plans are submitted with the Department of General Services, Division of the State Architect for review?

ANSWER: No

Education Code Section 17070.10 identifies school building capacity” as meaning the capacity of a school building to house students. The “Green Oaks Family Academy Elementary School Fire Protection Act” is consistent with the use of the term school building. The existing Education Code does not provide for funding of buildings / structures where students are not housed and or served. School districts must fund these types of buildings / structures with their own funds.

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QUESTION NUMBER 12:

Do the requirements of the “Green Oaks Family Academy Elementary School Fire Protection Act” apply to all public schools that house and or serve students from kindergarten through twelfth grade (K-12)?

ANSWER: No

Education Code section 17074.56 requires the State Allocation Board to adjust the per pupil grant amount as set forth in Education Code sections 17070.10. Therefore, only the public schools that are funded pursuant to the “Leroy F. Greene School Facilities Act of 1998” commencing with section 17074.10 of the Education Code and are submitted to the Department of General Services, Division of the State Architect for approval are subject to these new regulations.

QUESTION NUMBER 13:

Are community colleges, colleges, universities or vocational schools required to comply with the requirements of the “Green Oaks Family Academy Elementary School Fire Protection Act?”

ANSWER: NO

Education Code sections 17070.75 and 17071.75 clearly indicate that the requirements of the “Leroy F. Greene School Facilities Act of 1998” commencing with section 17074.10 of the Education Code are applicable to kindergarten, elementary and high school.

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QUESTION NUMBER 14:

Are charter schools exempt from the provisions of the “Green Oaks Family Academy Elementary School Fire Protection Act?”

ANSWER: Yes

The provisions of the existing law as well as the “Green Oaks Family Academy Elementary School Fire Protection Act” do not apply to a Charter school unless the charter school was funded through the School Facilities Act of 1998 or unless the charter schools were to stipulate in their charter that the school was to comply with this law. The existing law does not provide funding for privately owned schools.

QUESTION NUMBER 15:

Was the separation distance between portable classrooms intended to be inconsistent with the California Building Code (CBC)?

ANSWER: No

The intent of the “Green Oaks Family Academy Elementary School Fire Protection Act” was to be consistent with the regulations of the CBC. Therefore, cleanup language will be given to the State Legislature to bring this new Act into compliance with the CBC.

However, Education Code section 17074.54 requires that on or after July 1, 2002 a portable building that is sited with the intent that it be on site for less than three years and is placed on a temporary foundation is exempt from the requirements of sections 17074.50 and 17074.52.

Additionally, the public school administration may request a three-year extension of the exemption for the said portable building, which means

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that the portable building may be sited on the public school campus for a maximum of six years.

QUESTION NUMBER 16:

Are the requirements of the “Green Oaks Family Academy Elementary School Fire Protection Act” retroactive?

ANSWER: No

QUESTION NUMBER 17:

If a public school determines that it is more cost effective to install a sprinkler system in a modernization project in lieu of a fire detection and alarm system, would that methodology comply with the intent of the “Green Oaks Family Academy Elementary School Fire Protection Act”?

ANSWER: Yes

If a public school elects to install a sprinkler system in a modernization project in lieu of a fire detection and alarm system, the sprinkler system shall be designed in accordance with the requirements as specified in the California Building and Fire Codes and enforced by the Division of the State Architect.